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TO RUEHC/SECSTATE WASHDC IMMEDIATE 4658
INFO RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE
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UNCLAS SECTION 01 OF 02 HARARE 000526

SENSITIVE
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ADDIS ABABA FOR USAU
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STATE PASS TO USAID FOR J. HARMON AND L. DOBBINS

E.O. 12958: N/A
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SUBJECT: HOUSE SPEAKER BRIEFS ON ZIM CONSTITUTIONAL PROCESS

REF: HARARE 525

SUMMARY

¶1. (SBU) House of Assembly Speaker Lovemore Moyo briefed diplomats June 24 on the constitutional process. According to Moyo, it is on track, as specified in the Global Political Agreement (GPA), to be completed within 18 months from the inception of the inclusive government on February 11. Current budget estimates for the entire process are US\$19 million, although this is being reviewed. END SUMMARY.

¶2. (SBU) House of Assembly Speaker Moyo briefed diplomats on the constitutional process on June 24. He was joined by Senate President Edna Madzongwe (ZANU-PF) and Douglas Mwonzora (MDC-T) who chairs the Select Committee on the Constitution along with Paul Mangwana (ZANU-PF) and David Coltart (MDC-M).

¶3. (SBU) Moyo told diplomats the constitutional process was on track. The preparatory phase was now underway. Members of the Select Committee and staff were visiting the provinces to identify stakeholders and to identify possible thematic subcommittees. Preparations would then be made for the first "All Stakeholders Conference" to be held between July 9 and July 12 this year. At the Conference, subcommittees would be constituted.

¶4. (SBU) Between July 13 and November 13, according to Moyo, a consultative phase would take place in which the subcommittees would solicit input from citizens around the country. Also, a coordination structure would be established. After this phase, each thematic subcommittee, with the aid of experts, would produce reports and submit them to a yet-to-be-constituted drafting committee.

¶5. (SBU) Moyo appealed for donor assistance. He said the draft budget is US\$19 million, although the government ministries (finance and constitutional affairs), which are

responsible for funding the process, were revisiting this figure. He also noted the government was considering establishing a trust fund to collect and disburse monies.

¶6. (SBU) Mwonzora insisted the 18-month time frame for the drafting of a new constitution should not be extended. To do so would require renegotiating the Global Political Agreement (GPA) and risk renegotiation of other issues as well.

¶7. (SBU) ZANU-PF and Mugabe have strongly advocated using a draft developed by Patrick Chinamasa (ZANU-PF), Tendai Biti (MDC-T) and Welshman Ncube (MDC-M) in 2007 after the commencement of the SADC mediation process, as the basis of the new constitution. The 2007 negotiations took place at Lake Kariba, and the resulting document is referred to as the Kariba draft. The stated rationale of ZANU-PF and Mugabe for using the Kariba draft is that it is a known quantity agreed to by all three parties and its adoption, or a near facsimile, would simplify and speed the process. The MDC and civil society have pushed back strongly stating they want a "people driven" constitution. Mwonzora addressed the controversial Kariba draft constitution and said it could be considered, as could any other draft, but should not be a basis of the new constitution. Despite this, elements of civil society, including Lovemore Madhuku and the influential National Constitutional Alliance, have refused to accept the constitutional process outlined in the GPA. They view the central role of Parliament as inappropriate, even if an effort is made to solicit public input.

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COMMENT

¶8. (SBU) Parliament has been largely inactive and we are not hopeful it will enact legislative reform measures in the near term (Ref). The constitutional process is the one area where Parliament has been engaged, and so far it is adhering to the timetable set out in the GPA. A new constitution is a predicate to new elections under the GPA. A valid constitutional process, however, will require significant resources (although quite likely not in the amount suggested by Moyo).

¶9. (SBU) We expect the battle over the Kariba draft to heat up. ZANU-PF and Mugabe support the Kariba draft because it is a known quantity and provides for strong executive powers. Additionally, insisting on the Kariba draft is a way for Mugabe to derail or slow the constitutional process and to therefore delay elections. He is in no hurry for elections which, as things stand now, he and ZANU-PF would almost certainly lose. END COMMENT.

MCGEE